REMARKS

INTRODUCTION

Claims 1-9 were previously pending and stand rejected.

Claims 1-9 have been amended.

Claims 10-20 have been added.

Claims 1-20 are now pending and under consideration.

No new matter is being presented, and approval and entry are respectfully requested.

TELEPHONE DISCUSSION

Applicant thanks the Examiner for the March 13, 2003 informal discussion of the rejection and claims. Applicant was not able to determine from the Office Action how the rejection compared Shkedy to the "condition" feature in the claims. Based on the discussion, Applicant understands that the rejection may be comparing the "condition" of the present claims to the ordinary conditions or terms such as price or quantity that typically accompany an order. The following amendments and remarks clarify that the "condition" and chaining or "chain order" of the present claims relates to conditioning one order upon another order.

REJECTIONS UNDER 35 USC §§ 102 AND 103

In the Office Action, claims 1-2 and 6-9 were rejected under 35 U.S.C. § 102 as anticipated by Shkedy. Claims 3-5 were rejected as obvious over Shkedy. These rejections are traversed and reconsideration is respectfully requested.

RELEVANT TERMINOLOGY

The Merriam-Webster Dictionary notes that "execute" can be used to indicate "to carry out fully: put completely into effect". The term "execute" or "execution" is also known in the art to indicate the completion, finalization, acceptance, etc. of an order, trade, transaction, etc.

The present specification explicitly defines "goods" on page 8, lines 23-25, to include tangible and intangible property that can be dealt in.

The NASDAQ glossary notes that an "open order" is "[a]n order to buy or sell ... that remains in effect until it is either canceled by the customer or executed."

The Merriam-Webster Dictionary indicates that "condition" can indicate "a premise upon which the fulfillment of an agreement depends".

PRIOR ART: SHKEDY

Shkedy discusses a system for pooling purchase offers. Individual prospective purchasers submit their own individual forward purchase orders (FPOs) to a third-party system. The third-party system detects FPOs for a same product and groups them into a pooled purchase order (PPOs). The individual buyers appear to agree to be bound by an acceptance of the relevant PPO.

As discussed below with reference to the claims, Shkedy does not chain together orders that are displayed for acceptance by buyers/sellers.

SHKEDY DOES NOT CONDITION EXECUTION OF AN ORDER UPON EXECUTION OF ANOTHER ORDER FOR OTHER GOODS

Claims 1, 9, 10, and 19 recite "a chain order ... requesting, on condition of execution of an order for sale or purchase of the first type of fungible goods, purchase or sale of a second type of fungible goods".

The effect of this "condition" is recited later in the respective claims: "automatically executing the chain order", "responsive to the detection of execution of a buy or sell order for the first type of fungible goods ... ".

In other words, claims 1, 9, 10, and 18 recite a chain order whose purchase or sale (execution) depends upon and occurs responsive to execution of another order for another type of goods.

In Shkedy, there are two types of orders, FPOs, and PPOs which are orders reflecting pooled requirements of FPOs. As is typical with orders, the PPOs and FPOs have conditions which must be satisfied before they are accepted. However, Shkedy describes these conditions as ordinary conditions such as delivery time, quantity, price, etc. This not the same as a

8

condition of execution of another order for another type of good.

The FPOs of Shkedy are described as "conditional", but the conditions upon which they depend are (a) acceptance of the pooled terms (such as price) by the submitter of the FPO, and (b) acceptance of an order/offer by a seller for the corresponding PPO containing the FPO. Case (a) is not a condition requiring execution of another order, and case (b) is not execution of an order (PPO) for goods of another type. The offer/order from the seller for the PPO is only a matching order that matches the PPO; it is an order for the same type of goods - the goods of the PPO.

The claims have been amended to clarify that the chain order and the order for the first type of goods are not offsetting or matching buy/sell orders for the same goods.

Withdrawal of the rejection of claims 1, 9, 10, and 18 is respectfully requested.

SHKEDY DOES NOT AUTOMATICALLY EXECUTE AN ORDER FOR ANOTHER TYPE OF GOODS

Claims 1, 9, 10, and 18 also recite "responsive to the detection of execution of a buy or sell order for the first type of fungible goods ... automatically executing the chain order for the first type of fungible goods". Again, because the PPO in Shkedy is for the same goods in its corresponding FPOs, the execution of the FPOs cannot be responsive to the execution of an order of another type of goods. Acceptance of the PPO in Shkedy is simply a way of multiply accepting the same goods of the FPOs.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 5 recites "responsive to a change in price of the first type of goods, automatically changing a price of the corresponding second type of goods of the chain order". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

9

NEW CLAIMS

New claims 10-20 have been added.

It may be helpful for the Examiner to refer to independent claim 1 when examining claim 18, and claim 9 when examining claim 10.

It may also be helpful for the Examiner to refer to dependent claims 2-8 in examining new dependent claims 11-17.

Claims 19 and 20 recite another aspect of "conditioning execution" of an order upon execution of another order, and therefore differ from Shkedy. Furthermore, The FPOs of Shkedy cannot correspond to the orders in claims 19 and 20, because Shkedy's FPOs are not made "available for display and execution by [being] plac[ed] ... in the electronic market"; only PPOs are made available for display and execution. Claims 19 and 20 are supported at least by pages 10-13 of the present specification.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _11 June 2003_   By: _____
                                            James T. Strom
                                            Registration No. 48,702

700 Eleventh Street, NW, Suite 500
Washington, D.C. 20001
(202) 434-1500

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please AMEND the claims in accordance with the following:

1.   (NEW) A transaction assisting apparatus for assisting transactions in goods <u>in an electronic market</u>, comprising:

chain order input means permitting input of <u>orders to sell or purchase a first type of fungible goods in the electronic market, and permitting the input of</u> a chain order, the chain order being an order requesting, on condition of <u>execution of an order for</u> sale or purchase of <u>the</u> first <u>type of fungible</u> goods, purchase or sale of <u>a</u> second <u>type of fungible</u> goods<u>, the second type of fungible goods being</u> different from <u>and not fungible with respect to</u> the first <u>type of fungible</u> goods;

order detecting means for <u>automatically</u> detecting <u>execution of</u> an order for purchase or sale of the first <u>type of fungible</u> goods with respect to which the chain order [is] <u>has been</u> placed; and

chain order processing means <u>for</u>, responsive to the detection of <u>execution of</u> a buy or sell order <u>for the first type of fungible goods</u> [with respect to a predetermined chain order] by said order detecting means, [for] <u>automatically executing</u> [performing a selling or purchasing process with respect to] the <u>chain order for the</u> first <u>type of fungible</u> goods [and performing a purchasing or selling process with respect to the second goods].

2.   (ONCE AMENDED) The transaction assisting apparatus according to claim 1, further comprising<u>:</u>

chain order storing means for storing the chain order input from said chain order input means; and

deleting means for deleting, from said chain order storing means, [a] <u>the</u> chain order with respect to which [processing] <u>the automatic execution</u> has been completed by said chain order processing means.

3.   (ONCE AMENDED) The transaction assisting apparatus according to claim 1, further comprising display means for selectively displaying those of the chain orders which include a sell or buy order for the second <u>type of fungible</u> goods and which satisfy a condition for

sale or purchase of the second type of fungible goods.

4.   (ONCE AMENDED) The transaction assisting apparatus according to claim 3, wherein said display means inhibits display of information about a buy or sell order for the second type of fungible goods included in the chain order when the chain order is placed, and displays the information after the chain order is [transacted] executed.

5.   (ONCE AMENDED) The transaction assisting apparatus according to claim 3, further comprising price changing means for, responsive to a change in price of the [second] first type of goods [among chain orders displayed by said display means], [for] automatically changing [the] a price of the corresponding [first] second type of goods of the chain order in an interlocked manner.

6.   (ONCE AMENDED) The transaction assisting apparatus according to claim 1, wherein said chain order processing means performs chain order processing in series if an order placed with respect to the second type of fungible goods to be transacted is a chain order.

7.   (ONCE AMENDED) The transaction assisting apparatus according to claim 1, further comprising tax amount calculating means for calculating an amount of tax to be paid as a result of [transaction] the execution of the chain order; and
        notifying means for notifying parties concerned in the [transaction] execution of the chain order of the amount of tax calculated by said tax amount calculating means.

8.   (ONCE AMENDED) The transaction assisting apparatus according to claim 1, further comprising transfer means for automatically transferring a price and a tax payable as a result of [transaction] the execution from one to another of accounts of parties concerned in the [transaction] execution.

9.   (ONCE AMENDED) A computer-readable recording medium recording a program to be executed by a computer for causing the computer to perform a transaction assisting process for assisting transactions in goods, the process comprising:
        [wherein the program causes the computer to function as:]

12

[chain order input means] permitting input of <u>orders to sell or purchase a first type of</u> <u>fungible goods in the electronic market, and permitting the input of</u> a chain order, the chain order being an order requesting, on condition of <u>execution of an order for</u> sale or purchase of <u>the</u> first <u>type of fungible</u> goods, purchase or sale of <u>a</u> second <u>type of fungible</u> goods different from <u>and</u> <u>not fungible with respect to</u> the first <u>type of fungible</u> goods;

[order detecting means for] <u>automatically</u> detecting <u>execution of</u> an order for purchase or sale of the first <u>type of fungible</u> goods with respect to which the chain order [is] <u>has been</u> placed; and

[chain order processing means,] responsive to the detection of <u>execution of</u> a buy or sell order <u>for the first type of fungible goods</u> [with respect to a predetermined chain order] by said order detecting means, [for] <u>automatically executing</u> [performing a selling or purchasing process with respect to] the <u>chain order for the</u> first <u>type of fungible</u> goods [and performing a purchasing or selling process with respect to the second goods].

10.   (NEW) A method for assisting transactions in goods, the method comprising:

permitting input of orders to sell or purchase a first type of fungible goods in the electronic market, and permitting the input of a chain order, the chain order being an order requesting, on condition of execution of an order for sale or purchase of the first type of fungible goods, purchase or sale of a second type of fungible goods different from and not fungible with respect to the first type of fungible goods;

automatically detecting execution of an order for purchase or sale of the first type of fungible goods with respect to which the chain order has been placed; and

responsive to the detection of execution of a buy or sell order for the first type of fungible goods by said order detecting means, automatically executing the chain order for the first type of fungible goods .

11.   (NEW) A method according to claim 10, further comprising:

storing the inputted chain order; and

deleting the stored chain order with respect to which the automatic execution has been completed.

12.   (NEW) A method according to claim 10, further comprising displaying those of the

chain orders which include a sell or buy order for the second type of fungible goods and which satisfy a condition for sale or purchase of the second type of fungible goods.

13. (NEW) A method according to claim 12, further comprising inhibiting display of information about a buy or sell order for the second type of fungible goods included in the chain order when the chain order is placed, and displaying the information after the chain order is executed.

14. (NEW) A method according to claim 12, further comprising, responsive to a change in price of the first type of goods, automatically changing a price of the corresponding second type of goods of the chain order in an interlocked manner.

15. (NEW) A method according to claim 10, wherein said chain order processing means performs chain order processing in series if an order placed with respect to the second type of fungible goods to be transacted is a chain order.

16. (NEW) A method according to claim 10, further comprising calculating an amount of tax to be paid as a result of the execution of the chain order; and

notifying parties concerned in the execution of the chain order of the amount of tax calculated.

17. (NEW) A method according to claim 10, further comprising automatically transferring a price and a tax payable as a result of the execution from one to another of accounts of parties concerned in the execution.

18. (NEW) An apparatus for assisting transactions in goods in an electronic market, comprising:

a chain order input unit permitting input of orders to sell or purchase a first type of fungible goods in the electronic market, and permitting the input of a chain order, the chain order being an order requesting, on condition of execution of an order for sale or purchase of the first type of fungible goods, purchase or sale of a second type of fungible goods, the second type of fungible goods being different from and not fungible with respect to the first type of fungible

goods;

an order detecting unit automatically detecting execution of an order for purchase or sale of the first type of fungible goods with respect to which the chain order has been placed; and

a chain order processor, responsive to the detection of execution of a buy or sell order for the first type of fungible goods by said order detecting unit, automatically executing the chain order for the first type of fungible goods .

19.   (NEW) A method for automatically chaining orders in an electronic market, where the electronic market is used by market participants to place open buy and sell orders for different types of goods, where the electronic market makes the open orders available for display by the market participants, and where the electronic market executes the open buy and sell orders, the method comprising:

making a first open order for a first type of goods available for display and execution by placing the first open order in the electronic market;

making a second open order for a second type of goods available for display and execution by placing the second open order in the electronic market, where the first and second type of goods are different types of goods; and

in the electronic market, conditioning execution of the second open order by interactively establishing a relation in the electronic market between the first open order and the second open order, by disallowing execution of the second open order until after execution of the first order, and by automatically executing the second open order in response to execution of the first open order.

20.   (NEW) A method for automatically chaining orders in an electronic market, where the electronic market is used by market participants to place open buy and sell orders for different types of goods, where the electronic market makes the open orders available for display by the market participants, and where the electronic market executes the open buy and sell orders, the method comprising:

making a second open order for a second type of goods available for display and execution by placing the second open order in the electronic market; and

in the electronic market, conditioning execution of the second open order by interactively establishing a requirement that the second open order not be executed until after execution of

15

an order for a first type of goods, and by automatically executing the second open order in response to an execution of an order for the particular type of goods.